



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/171847

PRELIMINARY RECITALS

Pursuant to a petition filed February 04, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on April 12, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether there is evidence to support discontinuance of BadgerCare+ coverage for Petitioner's grandchild based on the allegation he was not part of her household.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] and [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. The agency discontinued the BadgerCare+ of Petitioner's grandchild as of March 1, 2106 based on an email from the child care agency that indicated that Petitioner's grandson is not in Petitioner's home.
3. The child care agency did initiate 2 negative actions against Petitioner – one alleging a child care overpayment and the other alleging an intentional program violation. Petitioner did appeal those allegations. (DHA case #s CCO-171848 and ML-16-0050). Both cases were resolved without hearing as the child care agency rescinded its actions.

4. Petitioner was appointed temporary guardian of her grandchild on March 2, 2016.

DISCUSSION

The circumstances noted in the Findings leave no evidence to support this discontinuance of Petitioner's grandchild's BadgerCare+.

CONCLUSIONS OF LAW

That there is no evidence to support the March 1, 2016 discontinuance of the BadgerCare+ eligibility of Petitioner's grandchild.

THEREFORE, it is

ORDERED

That this matter is remanded to the agency with instructions to restore the BadgerCare+ eligibility of Petitioner's grandchild backdated to March 1, 2016. This must be done within 10 days of the date of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

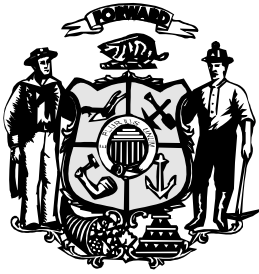
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 4th day of May, 2016

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 4, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability
[REDACTED]